

Stephen W. Rupp, Trustee (2824)  
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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION**

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| In re:                        | : | Bankruptcy No. 18-28373<br>(Chapter 7) |
| CARLOS FLORES and             | : |  |
| VALERIE LEIGH VALERIO-FLORES, | : | Honorable R. Kimball Mosier            |
| Debtors.                      | : |  |

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**CHAPTER 7 TRUSTEE'S OBJECTION TO MOTION TO TERMINATE  
AUTOMATIC STAY AS TO WELLS FARGO BANK**

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The Chapter 7 Trustee in the above-captioned case, Stephen W. Rupp, hereby responds and objects to the Motion to Terminate Automatic Stay as to Wells Fargo Bank filed on December 20, 2018. The Trustee responds and objects for the following reasons:

1. The Trustee does not object to relief from the automatic stay that protects the debtors in contrast to the estate. The debtors do appear to have filed repetitive bankruptcies, including Chapter 13's, by which they continually avoided the consequences of their failure to pay the mortgages or to financially compensate the estate for their use, possession and benefit of

the property. The number and outcome of the cases filed suggests that the debtors' filings were abusive and did not protect the estate or creditors.

2. The Trustee does presently object to the relief from the automatic stay as to the bankruptcy estate. The Trustee objects to the motion for relief from the automatic stay for the following reasons:

(a) The Movant seeks relief from the automatic stay based solely on the multiple repetitive filings by the debtors which appear abusive. The Movant has not offered the amount presently owing the Movant, the number of mortgage payments in arrears, the value of the property, or the benefit or lack of equity.

(b) As best as can be determined from the motion, it appears that the Movant is owed as of November 15, 2018 the amount of \$282,215.23. The debtors have scheduled that the property has a value of \$352,700.00. If this were the case, there is approximately \$70,000.00 of equity in this real property to protect the Movant. The figures also suggest that there is not only an equity to protect the Movant, but an equity over and above the claim of the Movant which equity might be used for the benefit of other creditors.

WHEREFORE, the Trustee hereby objects to the motion for relief to terminate automatic stay by Wells Fargo and requests that the stay not be lifted as to the Trustee and the bankruptcy estate, but lifted only as to the debtors.

DATED this 2<sup>nd</sup> day of January, 2019.

McKAY, BURTON & THURMAN

By /s/ Stephen W. Rupp  
Stephen W. Rupp  
Attorneys for Chapter 7 Trustee

**CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on January 4, 2019, I electronically filed the foregoing ***Objection to Motion to Terminate Automatic Stay*** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

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United States Trustee USTPRegion19.SK.ECF@usdoj.gov

I hereby certify that on January 4, 2019, I caused to be served a true and correct copy of the foregoing ***Objection to Motion to Terminate Automatic Stay*** as follows:

**Mail Service - By regular first class United States Mail, postage fully pre-paid, addressed to:**

**Carlos Flores**

**Valerie Leigh Valerio-Flores**

3819 Barton Crest Court  
Salt Lake City, UT 84120

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/s/ Karin Powell